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By: **Chairman, Economic Matters Committee (By Request - Departmental -  
Labor, Licensing and Regulation)**

Introduced and read first time: February 11, 2004

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Pilots and State Board of Docking Masters**

3 FOR the purpose of transferring licensing of docking masters from the State Board of  
4 Docking Masters to the State Board of Pilots; abolishing the State Board of  
5 Docking Masters; adding docking services to the definition of providing pilotage;  
6 altering the composition of the Board; establishing an incident committee within  
7 the Board; establishing certain requirements for a pilot-in-training;  
8 authorizing the Board to set certain requirements for licenses; requiring the  
9 Board to set training and experience standards for certain pilots; changing the  
10 termination date of licenses; adding certain grounds for disciplinary action  
11 against licensees; providing for the eligibility of former docking masters for  
12 certain payments as an inactive pilot; defining certain circumstances regarding  
13 conflict of interest for pilots; defining certain terms; and generally relating to  
14 the State Board of Pilots and the State Board of Docking Masters.

15 BY repealing

16 Article - Business Occupations and Professions  
17 Section 5.5-101 through 5.5-702  
18 Annotated Code of Maryland  
19 (2000 Replacement Volume and 2003 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article - Business Occupations and Professions  
22 Section 11-101, 11-202(a), (c), and (d), 11-301, 11-302, 11-303, 11-304,  
23 11-305(b), 11-306, 11-403, 11-404, 11-406(a), 11-407, 11-408, 11-409(a)  
24 and (c), 11-501, and 11-703  
25 Annotated Code of Maryland  
26 (2000 Replacement Volume and 2003 Supplement)

27 BY adding to

28 Article - Business Occupations and Professions  
29 Section 11-208, 11-406.1, 11-504(d) and (e), 11-505(d), and 11-603  
30 Annotated Code of Maryland

1 (2000 Replacement Volume and 2003 Supplement)

2 BY repealing

3 Article - State Government

4 Section 8-403(b)(19)

5 Annotated Code of Maryland

6 (1999 Replacement Volume and 2003 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

8 MARYLAND, That Section(s) 5.5-101 through 5.5-702 of Article - Business

9 Occupations and Professions of the Annotated Code of Maryland be repealed.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland

11 read as follows:

12 **Article - Business Occupations and Professions**

13 11-101.

14 (a) In this title the following words have the meanings indicated.

15 (b) ["Apprentice pilot" means an individual who is engaged in training, under  
16 the supervision of a licensed pilot, to provide pilotage.

17 (c) "Association" means the Association of Maryland Pilots.

18 [(d)] (C) "Board" means the State Board of Pilots.

19 [(e)] (D) (1) "License" means, unless the context requires otherwise, a  
20 license issued by the Board to provide pilotage.

21 (2) "License" includes, unless the context requires otherwise, a limited  
22 license.

23 [(f)] (E) (1) "Licensed pilot" means a pilot who is licensed by the Board to  
24 provide pilotage.

25 (2) "Licensed pilot" includes the holder of a limited license.

26 [(g)] (F) (1) "Limited license" means a license issued by the Board to provide  
27 pilotage as limited by § 11-407 of this title.

28 (2) "Limited license" includes a 37-foot-draft limited license, a  
29 34-foot-draft limited license, and a 28-foot-draft limited license.

30 [(h)] (G) "Pilot" means an individual who provides pilotage.

31 (H) "PILOT-IN-TRAINING" MEANS AN INDIVIDUAL WHO IS ENGAGED IN  
32 TRAINING, UNDER THE SUPERVISION OF A LICENSED PILOT, TO PROVIDE PILOTAGE.

1 (i) (1) "Provide pilotage" means to pilot a vessel under the provisions of this  
 2 title when the vessel is underway on the navigable waters of the State, including  
 3 when the vessel is towing or being towed by another vessel.

4 (2) "Provide pilotage" [does not include] INCLUDES:

5 (i) maneuvering a vessel during berthing or unberthing  
 6 operations; [or] AND

7 (ii) shifting a vessel within a port with tug assistance [and a  
 8 docking master aboard the vessel].

9 11-202.

10 (a) (1) The Board consists of 9 members.

11 (2) Of the 9 members of the Board:

12 (i) 1 shall be the Secretary, as an ex officio member, or a designee  
 13 of the Secretary;

14 (ii) 1 shall be the President of the Association;

15 (iii) 3 shall be retired or licensed pilots who have at least 5 years'  
 16 experience providing pilotage;

17 (iv) 2 shall be members of the steamship industry who actively  
 18 employ pilots; [and]

19 (V) 1 SHALL BE A REPRESENTATIVE OF THE SHIP DOCKING  
 20 TUGBOAT INDUSTRY IN THE PORT OF BALTIMORE; AND

21 [(v)] (VI) [2] 1 shall be A consumer [members] MEMBER.

22 (3) The Governor shall appoint each member under paragraph (2)(iii),  
 23 (iv), [and] (v), AND (VI) of this subsection with the advice of the Secretary.

24 (c) [Each] THE consumer member of the Board:

25 (1) shall be a member of the general public;

26 (2) may not be or ever have been employed or have or ever have had a  
 27 financial interest in the shipping or maritime industry;

28 (3) may not be a licensee or otherwise be subject to regulation by the  
 29 Board;

30 (4) may not, within 1 year before appointment, have had a financial  
 31 interest in or have received compensation from a person regulated by the Board; and

1 (5) may not be required to meet the qualifications for the professional  
2 members of the Board.

3 (d) While a member of the Board, [a] THE consumer member may not:

4 (1) have a financial interest in or receive compensation from a person  
5 regulated by the Board; or

6 (2) grade any examination given by or for the Board.

7 11-208.

8 (A) THERE IS AN INCIDENT COMMITTEE WITHIN THE BOARD.

9 (B) THE CHAIRPERSON OF THE BOARD SHALL APPOINT ONE PILOT MEMBER  
10 OF THE BOARD AND ONE STEAMSHIP INDUSTRY MEMBER OF THE BOARD TO THE  
11 INCIDENT COMMITTEE.

12 (C) THE INCIDENT COMMITTEE SHALL:

13 (1) REVIEW ALL COMPLAINTS FILED WITH THE BOARD AND ALL  
14 REPORTS OF INCIDENTS FILED BY A LICENSED PILOT; AND

15 (2) MAKE A RECOMMENDATION TO THE FULL BOARD ON THE  
16 DISPOSITION OF EACH MATTER.

17 (D) BEFORE MAKING A RECOMMENDATION, THE INCIDENT COMMITTEE MAY  
18 REQUEST THE DEPARTMENT TO APPOINT AN INDIVIDUAL WITH EXPERIENCE IN THE  
19 INVESTIGATION OF MARITIME CASUALTIES TO PREPARE A REPORT ON THE  
20 UNDERLYING FACTS OF A COMPLAINT OR INCIDENT ARISING UNDER § 11-409(A)(5) OF  
21 THIS TITLE.

22 11-301.

23 An individual shall be appointed by the Board before the individual may serve  
24 as [an apprentice pilot] A PILOT-IN-TRAINING.

25 11-302.

26 The Board shall keep a list of all applicants who qualify to be [apprentice pilots]  
27 PILOTS-IN-TRAINING.

28 11-303.

29 [(a)] To be included on the list of applicants who qualify to be [apprentice  
30 pilots] PILOTS-IN-TRAINING, an applicant shall: [be an individual who meets the  
31 requirements of this section.

32 (b) The applicant shall pass any mental or physical examination that the  
33 Board requires to verify that the applicant is mentally or physically capable of  
34 providing pilotage.]

- 1 (1) BE AT LEAST 21 YEARS OLD;
- 2 (2) PROVIDE THE BOARD WITH PROOF OF RECENT SATISFACTORY  
3 COMPLETION OF THE PHYSICAL REQUIREMENTS FOR A FIRST-CLASS PILOT  
4 LICENSE, AS DETERMINED BY THE U.S. COAST GUARD;
- 5 (3) AGREE TO PARTICIPATE IN A U.S. COAST GUARD APPROVED RANDOM  
6 DRUG TESTING PROGRAM;
- 7 (4) HAVE ONE OR MORE OF THE FOLLOWING MARITIME CREDENTIALS:
- 8 (I) A DEGREE FROM A 4-YEAR COURSE OF STUDY AT AN  
9 ACCREDITED MARITIME INSTITUTION ACCEPTABLE TO THE BOARD, AND A CURRENT  
10 LICENSE AS THIRD MATE, OR GREATER GRADE, OF STEAM AND MOTOR VESSELS, ANY  
11 GROSS TONS UPON OCEANS;
- 12 (II) A CURRENT LICENSE AS A MASTER OF STEAM AND MOTOR  
13 VESSELS, ANY GROSS TONS UPON OCEANS, THAT IS ISSUED BY THE U.S. COAST  
14 GUARD AND THAT CONTAINS AN APPROPRIATE RADAR ENDORSEMENT; OR
- 15 (III) A MINIMUM OF 5 YEARS' EXPERIENCE IN THE MARITIME  
16 INDUSTRY WORKING ON VESSELS IN THE DECK DEPARTMENT AS A LICENSED  
17 MASTER OR MATE ON TUGS OR INSPECTED VESSELS, OF WHICH AT LEAST 2 YEARS'  
18 EXPERIENCE SHALL BE AS THE MASTER OF A SHIP-ASSIST HARBOR TUG; AND
- 19 (5) PASS ANY MENTAL OR PHYSICAL EXAMINATION THAT THE BOARD  
20 REQUIRES TO VERIFY THAT THE APPLICANT IS MENTALLY AND PHYSICALLY  
21 CAPABLE OF PROVIDING PILOTAGE.

22 [(c) The applicant shall meet any other requirements that the Board  
23 establishes.]

24 11-304.

25 An applicant for appointment as [an apprentice pilot] A PILOT-IN-TRAINING  
26 shall:

- 27 (1) submit to the Board an application on the form that the Board  
28 provides; and
- 29 (2) pay to the Board an application fee set by the Board.

30 11-305.

31 (b) From the list of qualified applicants, the Board may choose and appoint  
32 the number of [apprentice pilots] PILOTS-IN-TRAINING that the Board considers  
33 necessary to protect the commercial interests of the State.

1 11-306.

2 Appointment as [an apprentice pilot] A PILOT-IN-TRAINING authorizes the  
3 individual to engage in training, under the supervision of a licensed pilot, to provide  
4 pilotage.

5 11-403.

6 (a) To qualify for a limited license, an applicant shall be an individual who  
7 meets the requirements of this section.

8 (b) An applicant shall have trained as [an apprentice pilot] A  
9 PILOT-IN-TRAINING for at least 2 years.

10 (c) An applicant shall possess sufficient ability, skill, and experience for a  
11 28-foot-draft limited license, a 34-foot-draft limited license, or a 37-foot-draft  
12 limited license as determined by the Board through observation of the applicant's  
13 performance providing pilotage.

14 (D) AN APPLICANT SHALL MEET ANY OTHER REQUIREMENTS THAT THE  
15 BOARD ESTABLISHES.

16 11-404.

17 (a) To qualify for [a] AN UNLIMITED license [other than a limited license], an  
18 applicant shall be an individual who meets the requirements of this section.

19 (b) [An applicant shall be at least 18 years old.

20 (c)] An applicant WHO DID NOT HOLD A LIMITED LICENSE PRIOR TO OCTOBER  
21 1, 2004, shall have held a limited license and have provided pilotage for at least 3  
22 years.

23 [(d)] (C) An applicant shall possess sufficient ability, skill, and experience for  
24 the UNLIMITED license as determined by the Board through observation of the  
25 applicant's performance providing pilotage.

26 (D) AN APPLICANT SHALL MEET ANY OTHER REQUIREMENTS THAT THE  
27 BOARD ESTABLISHES.

28 11-406.

29 (a) If an applicant qualifies for a license under this subtitle, the Board shall  
30 send the applicant a notice that states that:

31 (1) the applicant has qualified for a license; and

32 (2) the Board will issue the appropriate license to an applicant on receipt  
33 of a license fee of:

- 1 (i) \$600 for [a] AN UNLIMITED license [other than a limited  
2 license];
- 3 (ii) \$300 for a 37-foot-draft limited license;
- 4 (iii) \$300 for a 34-foot-draft limited license; or
- 5 (iv) \$200 for a 28-foot-draft limited license.

6 11-406.1.

7 (A) AN INDIVIDUAL WHO HOLDS AN UNLIMITED DOCKING MASTER LICENSE  
8 AS OF SEPTEMBER 30, 2004, SHALL BE ISSUED AN UNLIMITED LICENSE UPON  
9 COMPLETION OF AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES.

10 (B) THE BOARD SHALL SET BY REGULATION THE TRAINING AND EXPERIENCE  
11 REQUIREMENTS THAT MUST BE MET BEFORE A PILOT WHO PREVIOUSLY HELD A  
12 DOCKING MASTER LICENSE MAY BE ASSIGNED WORK IN ADDITION TO THE  
13 BERTHING AND UNBERTHING OF VESSELS WITH TUG ASSISTANCE AND THE  
14 SHIFTING OF A VESSEL WITHIN A PORT WITH TUG ASSISTANCE.

15 (C) THE BOARD SHALL SET BY REGULATION THE TRAINING AND EXPERIENCE  
16 REQUIREMENTS THAT MUST BE MET BEFORE A PILOT WHO PREVIOUSLY PROVIDED  
17 PILOTAGE SERVICE AS DEFINED IN § 11-101(I)(1) OF THIS TITLE MAY BE ASSIGNED  
18 WORK THAT INCLUDES THE BERTHING AND UNBERTHING OF VESSELS WITH TUG  
19 ASSISTANCE OR THE SHIFTING OF A VESSEL WITHIN A PORT WITH TUG ASSISTANCE.  
20 11-407.

21 (a) While [a] AN UNLIMITED license[, other than a limited license,] is in  
22 effect, it authorizes the licensee to provide pilotage for vessels of any draft.

23 (b) (1) While a 37-foot-draft limited license is in effect, it authorizes the  
24 licensee to provide pilotage for vessels not exceeding 37-foot-draft.

25 (2) While a 34-foot-draft limited license is in effect, it authorizes the  
26 licensee to provide pilotage for vessels not exceeding 34-foot-draft.

27 (3) While a 28-foot-draft limited license is in effect, it authorizes the  
28 licensee to provide pilotage for vessels not exceeding 28-foot-draft.

29 11-408.

30 (a) [Unless a license is renewed for a 2-year term as provided in this section,  
31 the license expires on the first May 30 that comes:

32 (1) after the effective date of the license; and

33 (2) in an even-numbered year.] A LICENSE SHALL BE EFFECTIVE FOR 2  
34 YEARS FROM THE DATE IT IS ISSUED.

1 (b) At least 1 month before a license expires, the Board shall mail to the  
2 licensee, at the last known address of the licensee:

3 (1) a renewal application form; and

4 (2) a notice that states:

5 (i) the date on which the current license expires;

6 (ii) the date by which the Board must receive the renewal  
7 application for the renewal to be issued and mailed before the license expires; and

8 (iii) the amount of the renewal fee.

9 (c) Before a license expires, the licensee periodically may renew it for an  
10 additional 2-year term, if the licensee:

11 (1) [applies for renewal in April or May of the year in which the license  
12 is due to expire, unless the Board in its discretion allows otherwise;

13 (2)] otherwise is entitled to be licensed;

14 [(3)] (2) pays to the Board a renewal fee of:

15 (i) \$600 for [a] AN UNLIMITED license [other than a limited  
16 license];

17 (ii) \$300 for a 37-foot-draft limited license;

18 (iii) \$300 for a 34-foot-draft limited license; or

19 (iv) \$200 for a 28-foot-draft limited license; and

20 [(4)] (3) submits to the Board a renewal application on the form that the  
21 Board provides.

22 (d) The Board shall renew the license of a licensee who meets the  
23 requirements of this section.

24 [(e) A limited license shall be valid for a 2-year period beginning on the date of  
25 its issuance by the Board.

26 (f) The Secretary may determine that licenses issued under this subtitle shall  
27 expire on a staggered basis.]

28 11-409.

29 (a) Subject to the hearing provisions of § 11-410 of this subtitle, the Board  
30 may deny a license to any applicant, reprimand any licensee, or suspend or revoke a  
31 license if the applicant or licensee:

- 1 (1) fraudulently or deceptively obtains or attempts to obtain a license for  
2 the applicant or licensee or for another;
- 3 (2) fraudulently or deceptively uses a license;
- 4 (3) under the laws of the United States or of any state, is convicted of:
- 5 (i) a felony; or
- 6 (ii) a misdemeanor that is directly related to the fitness and  
7 qualification of the applicant or licensee to provide pilotage;
- 8 (4) PILOTS OR ATTEMPTS TO PILOT A VESSEL WHILE UNDER THE  
9 INFLUENCE OF:
- 10 (I) ALCOHOL;
- 11 (II) NARCOTICS; OR
- 12 (III) ANY OTHER SUBSTANCE THAT IMPAIRS THE PHYSICAL OR  
13 MENTAL ABILITY OF THE PILOT TO PERFORM IN A SAFE MANNER;
- 14 (5) PILOTS A VESSEL IN A NEGLIGENT OR RECKLESS MANNER;
- 15 (6) ANCHORS A VESSEL DURING A PILOTAGE TRANSIT UNLESS:
- 16 (I) THE ANCHORAGE WAS ORDERED BY THE MASTER OF THE  
17 VESSEL; OR
- 18 (II) THE ANCHORAGE WAS NECESSARY FOR REASONS OF SAFETY  
19 OR PRUDENT NAVIGATION;
- 20 (7) VIOLATES THE CONFLICT-OF-INTEREST PROVISIONS OF § 11-603 OF  
21 THIS TITLE;
- 22 [(4)] (8) violates any regulation adopted by the Board; or
- 23 [(5)] (9) violates any order passed by the Board.
- 24 (c) Subject to the hearing provisions of § 11-410 of this subtitle, the Board  
25 shall revoke the license of a pilot who, after receiving notice, refuses to aid a vessel in  
26 distress:
- 27 (1) within 18 nautical miles south of Cape Henry;
- 28 (2) within 18 nautical miles east of Cape Henry; [or]
- 29 (3) in the Chesapeake Bay[.]; OR
- 30 (4) IN THE PORTS OF MARYLAND.

1 11-501.

2 (a) [Except as otherwise provided in this section, each] EACH American vessel  
3 engaged in foreign trade and each foreign vessel shall employ a licensed pilot to pilot  
4 the vessel when it is underway on the navigable waters of the State, including when  
5 the vessel is towing or being towed by another vessel.

6 (b) [Subsection (a) of this section does not apply to a vessel:

7 (1) maneuvering during berthing or unberthing operations; or

8 (2) shifting within a port with:

9 (i) tug assistance; and

10 (ii) a docking master, licensed under Title 5.5 of this article, aboard  
11 the vessel.

12 (c) A vessel that is not required to employ a licensed pilot under subsection (a)  
13 of this section may voluntarily employ a licensed pilot when the vessel is underway on  
14 the navigable waters of the State.

15 11-504.

16 (D) TIME OF SERVICE AS A LICENSED DOCKING MASTER ON OR BEFORE  
17 SEPTEMBER 30, 2004, SHALL BE INCLUDED IN DETERMINING A PILOT'S ELIGIBILITY  
18 FOR PAYMENT AS AN INACTIVE PILOT.

19 (E) A PILOT WHO HELD AN UNLIMITED DOCKING MASTER LICENSE ON  
20 OCTOBER 1, 2000, IS ELIGIBLE FOR REDUCED PAYMENTS AS AN INACTIVE PILOT  
21 UNDER § 11-505 OF THIS SUBTITLE IF THE PILOT:

22 (1) CHOOSES TO BE PLACED ON THE LIST OF INACTIVE PILOTS  
23 MAINTAINED BY THE ASSOCIATION; AND

24 (2) HAS BEEN, FOR AT LEAST 5 YEARS:

25 (I) A MEMBER IN GOOD STANDING OF THE ASSOCIATION OR OF  
26 THE ASSOCIATION OF MARYLAND DOCKING PILOTS; AND

27 (II) LICENSED BY THE BOARD TO PROVIDE PILOTAGE FOR VESSELS  
28 OF UNLIMITED DRAFT.

29 11-505.

30 (D) THE AMOUNT TO BE DISTRIBUTED BY THE ASSOCIATION ON BEHALF OF  
31 THE BOARD TO ELIGIBLE INACTIVE PILOTS DESCRIBED UNDER § 11-504(E) OF THIS  
32 SUBTITLE SHALL BE 1.6% OF THE SHARE PAYABLE UNDER THIS SUBTITLE FOR THE  
33 MONTH FOR WHICH THE PAYMENT IS TO BE MADE TO A REGULARLY WORKING  
34 LICENSED PILOT FOR EACH FULL YEAR OF SERVICE FOLLOWING OCTOBER 1, 2000.

1 11-603.

2 (A) A LICENSED PILOT MAY NOT ENGAGE IN CONDUCT THAT CONSTITUTES A  
3 CONFLICT OF INTEREST.

4 (B) A CONFLICT OF INTERESTS EXISTS IN SITUATIONS IN WHICH;

5 (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A  
6 LICENSED PILOT SOLICITS OR ACCEPTS FINANCIAL OR OTHER CONSIDERATION OF  
7 VALUE FROM A TUGBOAT, TOWING, VESSEL-ASSIST, VESSEL-OWNING, OR  
8 VESSEL-CHARTERING COMPANY, OR AN AGENT OR OFFICER OF THAT COMPANY, OR  
9 FROM ANY OTHER ENTITY PROVIDING SERVICES IN THE PORT COMMUNITY;

10 (2) A LICENSED PILOT TAKES ANY ACTION WITH THE INTENT TO  
11 BENEFIT OR HARM THE ECONOMIC INTERESTS OF A TUGBOAT, TOWING,  
12 VESSEL-ASSIST, VESSEL-OWNING, OR VESSEL-CHARTERING COMPANY, OR ANY  
13 OTHER ENTITY PROVIDING SERVICES IN THE PORT COMMUNITY;

14 (3) A LICENSED PILOT ALLOWS PERSONAL FINANCIAL INTERESTS TO  
15 CONFLICT WITH PROFESSIONAL RESPONSIBILITIES;

16 (4) A LICENSED PILOT SOLICITS BUSINESS FOR A TUGBOAT, TOWING,  
17 VESSEL-ASSIST, VESSEL-OWNING, OR VESSEL-CHARTERING COMPANY, OR ANY  
18 OTHER ENTITY PROVIDING SERVICES IN THE PORT COMMUNITY; OR

19 (5) A LICENSED PILOT DISCOURAGES A PERSON FROM ENGAGING THE  
20 SERVICES OF A TUGBOAT, TOWING, VESSEL-ASSIST, VESSEL-OWNING, OR  
21 VESSEL-CHARTERING COMPANY, OR ANY OTHER ENTITY PROVIDING SERVICES IN  
22 THE PORT COMMUNITY.

23 (C) A CONFLICT OF INTEREST DOES NOT EXIST IN SITUATIONS IN WHICH:

24 (1) REMUNERATION PAID TO THE PILOT THROUGH THE ASSOCIATION IN  
25 RETURN FOR THE PROVISION OF PILOTAGE SERVICES; OR

26 (2) THERE IS AN EXCHANGE OF NOMINAL SOCIAL PLEASANTRIES  
27 BETWEEN THE LICENSED PILOT AND ANY ENTITY PROVIDING SERVICES TO THE  
28 PORT COMMUNITY.

29 11-703.

30 After receiving notice, a licensed pilot may not refuse to aid a vessel that is in  
31 distress:

32 (1) within 18 nautical miles south of Cape Henry;

33 (2) within 18 nautical miles east of Cape Henry; [or]

34 (3) in the Chesapeake Bay[.]; OR

35 (4) IN PORTS OF MARYLAND.

1

**Article - State Government**

2 8-403.

3 (b) Except as otherwise provided in subsection (a) of this section, on or before  
4 the evaluation date for the following governmental activities or units, an evaluation  
5 shall be made of the following governmental activities or units and the statutes and  
6 regulations that relate to the governmental activities or units:

7 [(19) Docking Masters, State Board of (§ 5.5-201 of the Business  
8 Occupations and Professions Article: July 1, 2009);]

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
10 effect October 1, 2004.